

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

CHERYL JANKY,

Plaintiff,

v.

Case No: 3:05-cv-00217

Hon. James T. Moody

Magistrate Paul R. Cherry

HENRY FARAG, STREET GOLD RECORDS,
LAKE COUNTY CONVENTION & VISITORS
BUREAU, Individual and Corporation, Jointly
and Severally,

Defendants.

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GREGORY J. REED & ASSOCIATES
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MOTION TO COMPEL SUBMISSION OF CASE TO MEDIATION

**BRIEF IN SUPPORT OF MOTION TO COMPEL
SUBMISSION OF CASE TO MEDIATION**

CERTIFICATE OF SERVICE

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MOTION TO COMPEL SUBMISSION OF CASE TO MEDIATION

Defendant, Lake County Convention and Visitors Bureau, through its attorneys, GARAN LUCOW MILLER, P.C., moves pursuant to L.R. 7.1(a) and L.R. 16.6 (a) hereby moves for an Order to Compel Mediation, and in support states as follows:

1. On October 27, 2005, this Court held a scheduling conference where it ordered, among other things, that the “Mediation Selection/Status Deadline is 1/16/2006.”

2. In conformance with the Order Deadline, defendant Lake County Convention and Visitors Bureau submitted as a Mediator/Facilitator George Ivancevich, an Indiana attorney specializing in intellectual property disputes, particularly copyright.

3. On January 17, 2006, plaintiff filed a “Mediation Status Report” advising “that the parties have not agreed to mediate and will go to trial in the instant action.” This however, was an inaccurate representation of the status of mediation.

4. That in fact the parties have been engaged in settlement discussions since November of 2005 and have now reached a point where facilitative mediation could be beneficial in potentially resolving this case with the presence of a neutral third party, particularly an individual who is experienced in intellectual property/copyright law, such as Mr. George Ivancevich.

5. Lake County Convention and Visitors Bureau has requested consent from plaintiff in the relief sought in this Motion, but the consent has not been given, thereby necessitating the present motion.

WHEREFORE defendant, Lake County Convention and Visitors Bureau, respectfully requests that this Court grant its Motion and order that the matter be submitted to Mediation and direct that Mr. George Ivancevich be appointed mediator at the parties’ expense, or alternatively, request that the Court provide a list of mediators from which the parties may choose, together with

any and such further relief as this Court deems necessary and just.

Respectfully submitted,

GARAN LUCOW MILLER, P.C.

DATED: February 17, 2006

s/Robert D. Goldstein
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**BRIEF IN SUPPORT OF MOTION TO COMPEL
SUBMISSION OF CASE TO MEDIATION**

In support of its Motion to Compel Submission of the Case to Mediation Defendant, Lake County Convention and Visitors Bureau relies on Local Rule 16.6(a) “the Court may order mediation or early neutral evaluation in any civil case.” The Local Court Rule further provides:

“(b) Except for cases exempted by L.R. 16.1, the parties shall consider as part of every Fed.R.Div.P.27(f) report the use of one of the following Alternative Dispute Resolution Processes:

- (1) Mediation;
- (2) Early Neutral Evaluation;
- (3) Mini-trial;
- (4) Any other process upon which the parties may agree.

The parties shall report to the Court which, if any, of the processes they wish to employ and when the process will be undertaken. A settlement conference conducted by a judicial officer is not an

Alternative Dispute Resolution Process.

(c) Unless otherwise ordered by the court, the Indiana Rules for Alternative Dispute Resolution, including those rules regarding privilege, confidentiality of communications, and disqualification of neutrals, shall apply to all Alternative Dispute Resolution Processes.

(d) A roster of available neutrals shall be maintained in the offices of the Clerk and shall be made available to counsel and the public upon request.”

GARAN LUCOW MILLER, P.C.

DATED: February 17, 2006

s/Robert D. Goldstein
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CERTIFICATE OF SERVICE

I hereby certify that on **February 17, 2006**, I electronically filed the foregoing document with the Clerk of the Court using the ECF System which will send notification of such filing to the following: Timothy J. Jordan, Daniel Kuzman, Gregory J. Reed and Stephanie L. Hammonds - Law Office of Stephanie L. Hammonds, 719 Griswold, Ste. 820, Detroit, MI 48226, and I certify that I have mailed by U.S. Mail the document to the following non-ECF participants: Henry Farag - Street Gold Records, 8001 Delaware Place, Merrillville, IN 46410.

GARAN LUCOW MILLER, P.C.

s/Robert D. Goldstein

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